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HW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,702	08/05/2003	Vincent Alan Larsen	SAGE-26,401	8390
758	7590	02/09/2006	EXAMINER	
FENWICK & WEST LLP SILICON VALLEY CENTER 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041			LY, CHEYNE D	
		ART UNIT	PAPER NUMBER	
		2168		

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/635,702	LARSEN, VINCENT ALAN
	Examiner	Art Unit
	Cheyne D. Ly	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 22-42 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 22-42 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/10/03 ; 16/04/04 ; 7/22/05 ; 12/27/06</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
<input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. Claims 22-42 are examined on the merits.

IDS

2. It is noted that Cite No. 9 on the IDS, filed November 10, 2003, has been lined through because the search report does not have a publication date.

CLAIM REJECTIONS - 35 U.S.C. § 112, SECOND PARAGRAPH

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 28, 35, and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 28 recites the limitation "the user" in lines 3 and 5 where the antecedent basis for this limitation in the claim is not clear. Claim 28 is not clear as to whether "the user" is directed to "a plurality of users" (claim 28, line 1-2), or "a user" (claim 22, line 2). The same issue is present in claims 35 and 42.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 22-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. NEW MATTER REJECTION.
8. Specific to claims 22, 29, and 36, the new claims recite a step of “receiving a request from a user to access the resource using a process,” which has been considered to be new matter. Claims 1-21 and the instant specification describe the claimed invention as a “system and method for providing access for a user to resources receives user identification information” (page 1, paragraph [0008]). Therefore, the limited disclosure does not provide written basis support for the claimed invention as recited the new claims filed June 06, 2005.
9. Specific to claim 22, the instant specification describes the invention, as originally filed as, determines “if the access of the specified resource by the process is permitted and allows the process to access the specified resource if access is permitted or denies the process access to the specified resource if access is not permitted” (page 1, paragraph [0008]). The limited disclosure does not provide written basis support for the broader limitation of “resources available to the process” (claim 22, line 4) or “if the accessed data specifies that the resource is available to the process” (claim 22, lines 6-7), as recited the new claims filed June 06, 2005. Therefore, the instant specification does not provide written basis support for the new claims because Applicant has not contemplated and reduced to practice the broader invention as claimed.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in:
 - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or
 - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 22, 23, 28-30, 35-37, and 42 are rejected under 35 U.S.C. 102(a) as being anticipated by Park et al. (February 2001) (Park hereafter).

12. In regard to claim 22, Park discloses a method of providing access to a resource of a computer (page 63, Figure 16), comprising:

- a. Receiving a request from a user to access the resource using a process (page 63, lines 19-23, and Figures 16 and 18);
- b. Assessing data associated with the user stored in a memory in response to the received request (page 63, section 6.2), the data specifying one or more resources available to the process (page 65, Figure 18, step 7); and
- c. Providing the process with access to the resource if the accessed data specifies that the resource is available to the process (page 64, lines 1-8, and page 65, Figure 18, step 7).

13. In regard to claim 23, the data stored in the memory comprises a process resource access table for the process and associated with the user, the process resource access table specifying an access right of the process to the resource (page 64, lines 1-8).
14. In regard to claim 28, the computer is utilized by a plurality of users (page 63, section 6.2), further comprising:
 - a. Determining an identity of the user (page 63, section 6.2); and
 - b. Identifying data stored in the memory specifying resources available to processes executed by the user having the determined identity (page 64, lines 1-8).
15. In regard to claims 29, 30, 35-37, and 42, Park discloses the system and computer program product (pages 63-65) for implementing the above-cited method.
16. Claims 22, 23, 28-30, 35-37, and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Park et al. (February 2001) (Park hereafter).
17. It is noted that the prior application (10/061,701) does not provide written basis for the new claims. Therefore, the benefit of the earlier filing date has not been granted.
18. Claims 22, 23, 28-30, 35-37, and 42 are anticipated by Park as cited above.
19. Claims 22-24, 27, 29-31, 34, 36-38, and 41 are rejected under 35 U.S.C. 102(e)(2) as being anticipated by Trabelsi et al. (December 2001) (Trabelsi hereafter).
20. In regard to claim 22, Trabelsi discloses a method of providing access to a resource of a computer (page 2, paragraph ([0024])), comprising:

- a. Receiving a request from a user to access the resource using a process (page 2, paragraph ([0026]));
 - b. Assessing data associated with the user stored in a memory in response to the received request (page 2, paragraphs ([0027]-[0030], and page 3, paragraph [0051])), the data specifying one or more resources available to the process (page 3, paragraph [0043]); and
 - c. Providing the process with access to the resource if the accessed data specifies that the resource is available to the process (page 2, paragraph [0036] and page 3, paragraph [0046]).
21. In regard to claim 23, the data stored in the memory comprises a process resource access table for the process and associated with the user, the process resource access table specifying an access right of the process to the resource (Figures 2-4).
22. In regard to claim 24, the process resource access table includes a directory path, and wherein the process has access rights to a resource designated by the directory path (Figures 2-4).
23. In regard to claim 27, the resource of the computer comprises one or more resources from the set consisting of: a data file, an application file, a digital device (page 1, paragraph [0019] and [0020]), and access to functionality provided by a second process executing on the computer (pages 1-2, paragraph [0021] and [0022]).
24. In regard to claims 29-31, 34, 36-38, and 41, Park discloses the system and computer program product (page 1, [0017]) for implementing the above-cited method.

CONCLUSION

25. Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.
26. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199. The USPTO's official fax number is 571-272-8300.
27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Dune Ly, whose telephone number is (571) 272-0716. The examiner can normally be reached on Monday-Friday from 8 A.M. to 4 P.M.
28. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin, can be reached on (571) 272-4146.

Art Unit: 2168

C. Dune Ly/*CDL*
Patent Examiner
2/3/06

J. M. C.
JEREMY CAERN
SUPPLEMENTAL EXAMINER
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